

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-837V

Filed: November 13, 2020

UNPUBLISHED

L.C, a minor by and Through her
Guardian Ad Litem,
DANIELA CRUMPTON

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Joint Stipulation on Damages;
haemophilus influenzae type B (HIB);
diphtheria-tetanus-acellular pertussis
(DTaP); hepatitis B (Hep B);
inactivated poliovirus (IPV);
pneumococcal conjugate (PCV);
rotavirus; quadriplegia; transverse
myelitis

*Danny Chia-Chi Soong, Law Office of Danny Soong, West Covina, CA, for petitioner.
Althea Walker Davis, U.S. Department of Justice, Washington, DC, for respondent.*

DECISION ON JOINT STIPULATION¹

On September 9, 2014, petitioner filed a petition on behalf of her daughter, L.C., for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered quadriplegia secondary to transverse myelitis as a result of her receipt of haemophilus influenzae type B (“HIB”), diphtheria-tetanus-acellular pertussis (“DTaP”), hepatitis B (“Hep B”), inactivated poliovirus (“IPV”), pneumococcal conjugate (“PCV”), and rotavirus vaccines on September 10, 2012. Petition at 1; Stipulation, filed November 12, 2020, at ¶ 4. Petitioner further alleges that the vaccines were administered within the United States, that her daughter’s condition has persisted for more than six months, and that there has been no prior award or settlement of a civil action for damages on behalf of L.C. as a result of her condition. Petition at 1-4; Stipulation at ¶¶ 3-5. “Respondent denies that the HIB, DTaP, Hep B, IPV, PCV, or rotavirus vaccines caused L.C. to suffer

¹ Because this decision contains a reasoned explanation for the special master’s action in this case, it will be posted on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information the disclosure of which would constitute an unwarranted invasion of privacy. If the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

from quadriplegia secondary to transverse myelitis, or any other injury or her current condition " Stipulation at ¶ 6.

Nevertheless, on November 12, 2020, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, **I award the following compensation:**

- a. A lump sum of \$1,712,099.07 in the form of a check payable to TNB Financial Services, as trustee of the grantor reversionary trust established for the benefit of L.C.** This amount represents compensation for first year life care expenses (\$513,804.07) and trust seed funds (\$1,198,295.00). Stipulation at ¶ 8;
- b. A lump sum of \$750,000.00 in the form of a check payable to petitioner as guardian/conservator of the estate of L.C. for the benefit of L.C.** This amount represents compensation for lost future earnings and pain and suffering. Stipulation at ¶ 8;
- c. A lump sum of \$2,612,770.08 in the form of a check payable jointly to petitioner and Oklahoma Health Care Authority and mailed to:**

Oklahoma Health Care Authority
Third Party Liability Unit
4345 N. Lincoln Blvd.
Oklahoma City, OK 73105
Attn: Lisa Duncan
OKCA Case #: 629341

Petitioner shall endorse this check to the Oklahoma Health Care Authority. Stipulation at ¶ 8;

- d. A lump sum of \$94,996.00 in the form of a check payable jointly to petitioner and the South Carolina Department of Health and Human Services, and mailed to:**

DHHS Reporting and Receivables
P.O. Box 8355
Columbia SC 29202-9189
Attn: Melissa Andrade
Case Number: C-20-001209

Petitioner shall endorse this check to the South Carolina Department of Health and Human Services. Stipulation at ¶ 8; and

- e. An amount sufficient to purchase the annuity contract described in paragraph 10 of the stipulation. Stipulation at ¶ 8.**

These amounts represent compensation for all items of damages that would be available under § 15(a).

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Daniel T. Horner
Daniel T. Horner
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.